

REMARKS

I. INTRODUCTION

Applicants gratefully acknowledge the Examiner's confirmation that claims 107 and 153 would be allowed if rewritten in independent form to include the subject matter of the claims from which they depend.

Claims 104 and 153 have been cancelled, without prejudice. Claims 89, 136 and 154 have been amended to include the subject matter of now-cancelled claims 107 and/or 154. New claims 155-170 have been added. Support for these new claims can be found throughout the specification and in the drawings. (See Applicants' specification, e.g., p. 10, ln. 29 to p. 12, ln. 32; p. 15, ln. 3 to p. 17, ln. 4; and p. 21, lns. 2-34). Accordingly, claims 89-107, 136-152 and 154-170 are now under consideration in the above-referenced application. Provided above, please find a claim listing indicating the cancellation of claims 107 and 153, the amendments to claims 89, 136 and 154, the addition of new claims 155-170, and the status of other claims on separate sheets so as to comply with the requirements set forth in 37 C.F.R. § 1.121. It is respectfully submitted that no new matter has been added.

II. REJECTION UNDER 35 U.S.C. §§ 102(b) AND 103(a) SHOULD BE WITHDRAWN

Claims 89-99, 102-104, 106, 136-145, 148-150, 152 and 154 stand rejected under 35 U.S.C. § 102(b) as being anticipated by A. Lingnau et al., "An HTTP-based Infrastructure for Mobile Agents", Fourth International WWW Conference, 1995, 13 pages (the "Lingnau Publication"). Claims 100, 101, 105, 146, 147 and 151 stand rejected under

35 U.S.C. § 103(a) as being unpatentable over the Lingnau Publication, in view of U.S. Patent No. 5,978,842 issued to Noble et al. (the "Noble Patent").

As the Examiner shall ascertain, previously pending claims 89, 136 and 154 have been amended above to include the subject matter recited in now-cancelled claims 107 and 154 (which the Examiner indicated as including allowable subject matter). Accordingly, the respective rejections of the previously pending claims 89-99, 102-104, 106, 136-145, 148-150, 152 and 154 under 35 U.S.C. § 102(e) as being anticipated by the Lingnau Publication, and of claims 100, 101, 105, 146, 147 and 151 under 35 U.S.C. § 103(a) as being unpatentable over the alleged combination of Lingnau Publication and the Noble Patent are now moot, and should therefore be withdrawn.

III. NEW CLAIMS 155-164 ARE ALLOWABLE

New claims 155-164 have been added above. In particular, new independent claims 155, 163 and 164 recite similar subject matter as recited in previously-pending independent claims 89, 136 and 154, respectively, except for the removal of certain recitations therefrom. New claims 156-162 depend from new independent claims 155, and recite further novel features.

i. Independent claims 155-157

As an initial matter, new independent claims 155-157 recite that executable instruction(s) is/are retransmitted from one hardware processing arrangement/site to another hardware processing arrangement/site If the operation(s) on such arrangement/site terminate(s) prior to a completion of tasks associated with such operation(s). Such subject

matter has been indicated by the Examiner as being allowable with reference to now-cancelled claims 107 and 153. Accordingly, for at least similar reasons as provided herein above with respect to amended independent claims 89, 136 and 154, new independent claims 155-157 should also be allowed

ii. Independent claims 158, 169 and 170 and dependent claims 159-168

Further, Applicants' invention, as recited in new independent claim 158, relates to computer accessible medium including a plurality of executable instructions which, when executed on a first processing arrangement, configure the first processing arrangement to perform at least one of a monitoring operation by performing procedures comprising, *inter alia*:

transmitting, over a network, first executable instructions from the first hardware processing arrangement to a second hardware processing arrangement, and second executable instructions from the first processing arrangement to a third hardware processing arrangement; [and]

causing an execution of the first executable instructions by the second hardware processing arrangement and the second executable instructions by the third hardware processing arrangement, wherein the execution of (i) **the first executable instructions cause the second hardware processing arrangement to perform at least one first monitoring operation on or in the second hardware processing arrangement**, and (ii) **the second executable instructions cause the third processing arrangement to perform at least one second monitoring operation on or in the third hardware processing arrangement**.

Applicants' invention, as recited in new independent claim 169, relates to a system for performing at least one of a monitoring operation by performing procedures comprising, *inter alia*:

a first hardware processing arrangement which is configured to (i) receive first executable instructions from a particular hardware processing arrangement via a network, and (ii) execute at least one of the first executable instructions to perform at least one first monitoring operation on or in the first processing arrangement; and

a second hardware processing arrangement which is associated with and separate from the first hardware processing arrangement, the second hardware processing arrangement being configured to (i) receive second executable instructions from the particular hardware processing arrangement via the network, and (ii) **execute at least one of the second executable instructions to perform at least one second monitoring operation on or in the second hardware processing arrangement.**

Applicants' invention, as recited in new independent claim 170, relates to a computer system to perform at least one monitoring operation on a network accessible information comprising, *inter alia*:

at least one computer accessible medium including thereon at least one module, wherein, when a hardware processing arrangement executes the at least one module, the hardware processing arrangement is configured to:

- (i) transmit (i) first executable instructions from at least one first site provided on a network to at least one second site provided on the network, and (ii) second executable instructions from the at least one first site to at least one third site provided on the network,
- (ii) cause an execution of **at least one of the first executable instructions on the at least one second site to perform at least one first monitoring operation on or in the at least one second site on the network,** and
- (iii) cause an execution of **at least one of the second executable instructions on the at least one third site to perform at least one second monitoring operation on or in the at least one third site on the network.**

Thus, independent claims 158, 169 and 170 each recites that **the executable instructions (provided from one hardware processing arrangement or site of a**

network) perform a monitoring operation on or in another hardware processing arrangement or another site on the network.

The Lingnau Publication describes an infrastructure for mobile agents based on Hypertext Transfer Protocol (HTTP) which provides for agent mobility across heterogeneous networks and communications among agents. (See Lingnau Publication, Abstract). The agents move between hosts and communicate with other agents. (See *id.*, p. 1, "Introduction" section, third para.) Agents can perform electronic mail handling, scheduling of meetings or filtering an information source for interesting bits according to various rules or heuristics. (See *id.*, p. 2, second para.). Agents consist of code, mobile agents can move between computers in a network. (See *id.*, p. 2, third para.) The description of the Lingnau Publication pictures the mobile agents to gather interesting data on some computer. Complex queries can be performed by the agent of the remote site without having to transfer raw data to the owner's computer first. (See *id.*)

According to the Lingnau Publication, an agent server can be used, which is a program that runs on every computer that will be accessible to the agents and in charge of the agents running on such computer. (See *id.*, p. 3, "An Architecture Model" section, first para.) The agent server organizes agent transfer to other hosts, manages communications among agents, as well as the agents and their owners, and control agent operations. (See *id.*) The user interacts with the agent through a client. The client allows the user to submit the agent for execution, find out about its status, stop and/or recall it, and perform other operations. (See *id.*, p. 4, first para.) It is important to note that the Lingnau Publication recognizes that the infrastructure described therein does not describe any monitoring,

much less monitoring by the agents. (See *id.*, p. 10, “Summary and Further Work” section, second para.).

Appellants respectfully assert that the Lingnau Publication in no way discloses that **the executable instructions (provided from one hardware processing arrangement or site of a network) perform a monitoring operation on or in another hardware processing arrangement or another site on the network**, as explicitly recited in new independent claims 158, 169 and 170 of the above-referenced application.

As described herein above, the Lingnau Publication discusses the use of agents and mobile agents via an infrastructure which facilitates the agents (apparently equated by the Examiner to the executable instructions as recited in new independent claims 158, 169 and 170) to be transmitted from one computer to another. However, the Lingnau Publication certainly does not disclose that such instructions perform any monitoring operation. On the contrary, the Lingnau Publication admits that the agents described therein do not at all perform any monitoring operation, and explicitly states that the “system monitoring” is an area under investigation. (See Lingnau Publication, p. 10, “Summary and Further Work” section, second para., last sentence).

The Noble Patent does not cure at least such deficiency of the Lingnau Publication.

Thus, for at least these reasons, Applicants respectfully submit that the Lingnau Publication, taken alone or even if combined with the Noble Patent, fails to teach, suggest or disclose the subject matter recited in new independent claims 158, 169 and 170. Claims 159-168 which depend from new independent claim 159 are also not taught, suggested or disclosed by the Lingnau Publication, taken alone or even if combined with

the Noble Patent, for at least the same reasons. In addition, Applicants respectfully assert that claims 159-168 recite additional subject matter which is believed to be separately patentable over the Lingnau Publication, taken alone or even if combined with the Noble Patent.

iii. Summary

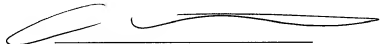
Accordingly, Applicants respectfully request that the Examiner confirm allowability of new claims 155-170 in the next communication.

IV. CONCLUSION

In light of the foregoing, Applicants respectfully submit that all pending claims 89-107, 136-152 and 154-170 are in condition for allowance. Prompt consideration, reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: March 1, 2010



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